

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1176

AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-13-3-40 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 40. (a) The department may use the appropriations described in subsection (b) for either or both of the following purposes:**

- (1) Operating and maintaining the central repository for criminal history data.**
- (2) Establishing, operating, or maintaining an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7.**

(b) If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars (\$1,100,000), the excess is appropriated from the state general fund to the department for the purposes described in subsection (a). An appropriation under this section is subject to allotment by the budget agency.

SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.187-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) A person desiring a license to carry a handgun shall apply:**

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- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or
- (3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if federal funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ~~ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued; the~~ following application fees:

- (1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.**
- (2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.**
- (3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.**

Except as provided in subsection (h), the fee shall be ~~(1)~~ deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and ~~(2)~~ used by the agency ~~for the purpose of: (A) training to train~~ law enforcement officers in the proper use of firearms or in other law enforcement duties, or ~~(B) purchasing to purchase firearms or firearm related equipment, or both~~ for the law enforcement officers employed by the law enforcement agency. ~~firearms, or firearm related equipment, or both.~~ The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community,

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whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:
 - (A) a citizen of the United States; or
 - (B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years **in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. This A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license.** The license of police officers, sheriffs or their deputies, and

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law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of ~~such these~~ individuals. However, ~~such a~~ lifetime ~~licenses are~~ **license is** automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
 - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
 - (B) prepared by the state police department; and
 - (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under

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subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name; ~~or~~
- (2) changes the person's address; **or**
- (3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;**

the person shall, not later than **thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2),** notify the superintendent, in writing, of **the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2),** the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 3. IC 35-47-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, **and are valid for:**

- (1) four (4) years from the date of issue in the case of a four (4) year license; or**
- (2) the life of the individual receiving the license in the case of a lifetime license.**

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

- (1) a qualified license shall be:
 - (A) five dollars (\$5) for a four (4) year qualified license;**
 - (B) twenty-five dollars (\$25) for a lifetime qualified license**

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from a person who does not currently possess a valid Indiana handgun license; or

(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and the fee for

(2) an unlimited license shall be:

(A) ~~fifteen dollars (\$15)~~ thirty dollars (\$30) for a four (4) year unlimited license;

(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or

(C) sixty (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a ~~five dollar (\$5)~~ twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited by the superintendent with the treasurer of state in accordance with subsection (e).

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

(e) Fees collected under this section shall be deposited in the state general fund.

SECTION 4. IC 35-47-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed.

(b) The period during which an application for the renewal of an existing license may be filed begins one hundred eighty (180) days before the expiration of the existing license. If the application for renewal of an existing license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

SECTION 5. IC 35-47-2.5-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** This chapter does not apply to the following:

- (1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
- (2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.
- (3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

(1) the state participates in the NICS; and

(2) there is a conflict between:

(A) a provision of this chapter; and

(B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 6. IC 35-47-2.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. As used in this chapter, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (18 U.S.C. 921 et seq.).**

SECTION 7. IC 35-47-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. **(a) Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information:**

(b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun:

(a) A person purchasing a handgun from a dealer shall complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

(c) (b) The dealer shall forward The copies a copy of the forms shall be mailed or delivered Form 4473 signed by the purchaser to the state police department before the last day of the month following

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the sale.

SECTION 8. IC 35-47-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a)** A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser ~~written consent to a criminal history check~~; **a completed and signed Form 4473** as specified in section 3 of this chapter.

(2) ~~Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.~~

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) ~~other electronic means.~~

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(b) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

SECTION 9. IC 35-47-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who knowingly or intentionally makes a materially false statement on ~~the consent form required by Form 4473 completed and forwarded under~~ section 3 of this chapter commits a Class D felony.

SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 4-6-3-12; IC 35-47-2.5-6; IC 35-47-2.5-7; IC 35-47-2.5-8; IC 35-47-2.5-9; IC 35-47-2.5-10; IC 35-47-2.5-11.

SECTION 11. [EFFECTIVE JULY 1, 2006] **IC 35-47-2.5-12, as amended by this act, applies only to crimes committed after June 30, 2006.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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